

T. "N." T. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Hann's decision regarding Mr. T.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

On January 19, 2005, Mr. T. injured his low back while working for Smithfield Implement. On February 24, 2005, he filed an application with the Commission to compel Smithfield Implement and its insurance carrier, Farmers Insurance Exchange to pay medical and disability benefits for his injury.

Judge Hann held an evidentiary hearing on Mr. T.'s claim on August 11, 2005, and then referred the medical aspects of the claim to a medical panel. The panel submitted its report on February 16, 2006. Judge Hann accepted the panel's findings and awarded benefits accordingly. In particular, because the panel found that Mr. T. had reached medical stability from his work injury at the end of April, 2005, Judge Hann terminated Mr. T.'s temporary disability compensation on April 30, 2005.

In his motion for review, Mr. T. raises only one issue: Did he in fact reach medical stability on April 30, 2005.

FINDINGS OF FACT

The Appeals Board affirms and adopts Judge Hann's findings of fact, including her finding that Mr. T. reached medical stability on April 30, 2005.

DISCUSSION AND CONCLUSION OF LAW

In adopting Judge Hann's determination of the date of medical stability, the Appeals Board acknowledges that different medical providers have expressed different opinions on this issue. The Appeals Board finds the medical panel's opinion persuasive.

The Appeals Board accepts the panel's opinion of the date of medical stability, noting that the panel consisted of two impartial experts in neurology and orthopedics. These experts had access to all Mr. T.'s relevant medical records, diagnostic studies, and opinions of other treating and examining physicians. The medical panel also had the opportunity to examine Mr. T. himself. The panel then issued a report that is thorough, well-reasoned, and addressed the specific medical points referenced in Mr. T.'s motion for review. While other medical providers have expressed different opinions, the Appeals Board is persuaded by the medical panel's opinion. And, on that basis, the Appeals Board concurs with Judge Hann's conclusion that Mr. T.'s entitlement to temporary disability compensation ended on April 30, 2005, when he reached medical stability.

ORDER

The Appeals Board affirms Judge Hann's decision and denies Mr. T.'s motion for review. It is so ordered.

Dated this 26th day of May, 2006.

Colleen S. Colton, Chair

Jathan Janove¹

Joseph E. Hatch

¹ Due to Patricia Drawe's inability to participate in this matter, Jathan Janove has been selected to serve as a member of the Appeals Board pursuant to §34A-1-303 of the Utah Workers' Compensation Act.